



Phillips Lytle LLP

CM-ECF and First Class Mail

January 7, 2013

Hon. Robert E. Littlefield, Jr.
United States Bankruptcy Court
Northern District of New York
James T. Foley Courthouse
445 Broadway, Suite 330
Albany, NY 12207

Re: In re Robert D. Faucett
Case No. 11-12520-1-rel

Dear Judge Littlefield:

We represent American Tax Funding, LLC in this matter. American Tax Funding, LLC filed a motion for relief from the automatic stay on December 26, 2012 ("Motion") (Docket No. 23).

In response to a request from the Chapter 13 Trustee's office, American Tax Funding, LLC agrees that, in the event the Motion is granted, it will submit a proposed order which contains the following provision: "the Chapter 13 Trustee shall be notified of any surplus realized following the sale of the Property and the Chapter 13 Trustee's rights to any surplus realized after said foreclosure proceedings is reserved."

Thank you for your time and attention to this matter.

Very truly yours,

Phillips Lytle LLP

By */s/ Joshua P. Fleury*

Joshua P. Fleury

JPF2ht
Doc # 01-2630025.1

cc: Guy J. Criscione, Jr., Esq. (via CM-ECF and email)
Andrea E. Celli, Chapter 13 Trustee

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